

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S §§ 1692e, 1692e(10), 1692d, 1692f AND 1692g CLAIMS

Defendants J&M Securities, LLC (“J&M”) and Sansone Law, LLC, d/b/a Sansone & Lauber (“Sansone”) (collectively, “Defendants”), pursuant to Federal Rule of Civil Procedure 12(b)(6), state the following for their Motion to Dismiss Plaintiff’s §§ 1692e, 1692e(10), 1692d, 1692f and 1692g claims in Count I of Plaintiff’s Complaint:

1. Plaintiff Ronald Henry (“Henry”) filed a one-count Complaint against Defendants alleging Defendants violated the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*, through their attempts to collect past rent from him. Complaint ¶¶13-15.

2. In Count I, Henry alleges multiple violations of the FDCPA. First, Henry alleges Defendants violated §§ 1692d-f by engaging in false, deceptive, harassing, and unfair conduct in the collection of the debt. Complaint ¶29(a). Henry next alleges that Defendants violated § 1692e(10) by using false, misleading or deceptive means in an attempt to collect a debt. Complaint ¶29(b). Finally, Henry alleges Defendants violated § 1692g by overshadowing his dispute rights under the FDCPA. Complaint ¶29(c).

3. Henry's claims that Defendants violated §§ 1692e, 1692e(10), 1692d, 1692f and 1692g must be dismissed, because they are not ripe for judicial review.

4. Henry's § 1692d claim fails to state a claim on which relief can be granted, because he does not allege sufficient facts to support his claim.

5. Henry's § 1692f claim fails to state a claim on which relief can be granted, because he does not allege sufficient facts to support his claim.

6. Finally, Henry's § 1692g claim fails to state a claim on which relief can be granted, because his Complaint does not establish that Defendants overshadowed any dispute rights, and in fact alleges he did not have any.

7. In support of their Motion, Defendants have simultaneously filed a Memorandum of Law in Support thereof.

WHEREFORE, Defendants J&M Securities, LLC and Sansone Law, LLC, d/b/a Sansone & Lauber respectfully request this Court dismiss Plaintiff's §§ 1692e, 1692e(10), 1692d, 1692f and 1692g claims in Count I of Plaintiff's Complaint with prejudice, and for other relief as this Court deems just and proper.

Respectfully submitted,

THE LOWENBAUM PARTNERSHIP, LLC

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 4th day of August, 2015, served a true and correct copy of the foregoing via the United States District Court for the Eastern District of Missouri's CM/ECF Electronic Filing System upon the following counsel of record:

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